

E-FILED IN OFFICE - CB
CLERK OF SUPERIOR COURT
GWINNETT COUNTY, GEORGIA
19-A-10263-7
9/14/2020 2:36 PM

IN THE SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA

Richard J. Alumbaugh
CLERK OF SUPERIOR COURT

JEFFREY D. CORDTZ,

Plaintiff,

v.

ASPEN PROPERTIES GROUP, LLC,

Defendant.

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Civil Action File Number

19-A-10263-7

ORDER

This case comes before the Court on Defendant's motion to set aside default pursuant to OCGA § 9-11-55(b). Defendant was served with summons and process on October 11, 2019. Defendant failed to file its answer and on July 27, 2020, this Court issued an order finding Defendant in default.

OCGA § 9-11-55(b) provides that the court may open default if one of three grounds are met: 1) providential cause preventing the filing of required pleadings, 2) excusable neglect, or 3) where the judge determines that a proper case has been made for the default to be opened.

In this case, Defendant has not met any of the three grounds for opening default. There is no showing of providential cause or excusable neglect. The Court finds that Defendant has not made a proper case for the default to be opened. It is, therefore,

ORDERED, that Defendant's motion to set aside default is DENIED.

This 14th day of September, 2020.

Tadia Whitner

TADIA WHITNER, Judge
Superior Court of Gwinnett County

Copies to: all parties/counsel

